

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Cause No.
vs.)	3:23-cr-30076-SPM-1
)	East St. Louis, IL
NIRAV B. PATEL,)	January 14, 2025
)	9:44 a.m.
Defendant.)	

Before the
HONORABLE JUDGE STEPHEN P. MCGYLNN

TRANSCRIPT OF EXCERPT OF FINAL PRETRIAL HEARING

FOR PLAINTIFF: Mr. Peter T. Reed
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(Proceedings taken by machine shorthand; transcript
produced by computer-aided transcription)

1 (In open court.)

2 COURTROOM DEPUTY: Court calls Case No.
3 3:23-cr-30076, the United States of America v.
4 Nirav Patel. Case is called for a final pretrial
5 hearing.

6 Parties, if you would please introduce
7 yourselves for the record.

8 MR. REED: Good morning, Judge. Peter
9 Reed and Steve Weinhoeft for the Government.

10 THE COURT: Good morning, gentlemen.

11 MS. FRETER: Good morning, Your Honor.
12 Kim Freter for Mr. Patel, and I apologize, Judge.
13 I was so certain this was on Thursday. I have a
14 visit even set up with Mr. Patel for this
15 afternoon. I just apologize.

16 THE COURT: It happens. I'm not worried
17 about it.

18 Good morning, Mr. Patel.

19 All right. We have several Motions in
20 Limine that were filed by the Government. The last
21 one being filed yesterday seeking to present the
22 deposition testimony of Sergeant Towell,
23 T-o-w-e-l-l, to the jury during trial as he is out
24 of the area or even out of the country on National
25 Guard duty. Any objection?

1 MS. FRETER: No, Your Honor. There was
2 one objection in the course of the deposition that
3 the Government and I were working to resolve, and I
4 think we've got that --

5 MR. REED: The hearsay objection, I think
6 that maybe you're standing on. Is that accurate?

7 MS. FRETER: Yes.

8 MR. REED: Okay. There is one objection I
9 thought we had as well; but if you're willing to
10 rule on it today, then we can cut the video, and we
11 won't have to skip back and forth during the
12 course.

13 MS. FRETER: I have no objection to the
14 deposition being admitted.

15 MR. REED: It's up to you, Your Honor. I
16 have the transcript.

17 THE COURT: Why don't you just give me the
18 transcript. I'll take a look at it. Let me know
19 what page it is, and we can take it up before we
20 bring the jury in next week.

21 MR. REED: Okay.

22 MS. FRETER: Thank you, Your Honor.

23 COURTROOM DEPUTY: The interpreter needs
24 sworn.

25 THE COURT: I'm sorry?

1 COURTROOM DEPUTY: I need to swear in the
2 interpreter.

3 THE COURT: Oh, okay.

4 We have to swear in the interpreter, so
5 ma'am.

6 (Interpreter Nita Shah sworn.)

7 THE INTERPRETER: I do.

8 COURTROOM DEPUTY: Thank you.

9 THE COURT: All right. Does the defense
10 have any Motions in Limine?

11 MS. FRETER: No, Your Honor.

12 THE COURT: All right. I did receive a
13 letter dated January the 8th from the Consulate
14 General of India. Actually, the letter was
15 addressed to the United States Attorney and was
16 forwarded to our office.

17 The letter reads, in part: As part of our
18 consular responsibilities, the Consulate General of
19 India in Chicago spoke to Mr. Patel through an
20 online video call arranged by the Alton Police
21 Department. During the interaction, Mr. Patel
22 expressed dissatisfaction with his current defense
23 attorney and conveyed a request for assistance in
24 securing alternate -- or alternative legal
25 representation. He claims to have raised this

1 matter with the presiding judge.

2 Counsel, is there a -- have you been
3 informed by anyone, any other attorney, that he or
4 she is going to be entering an appearance on behalf
5 of Mr. Patel in this case?

6 MS. FRETER: No, Your Honor.

7 THE COURT: Are you under the impression
8 that Mr. Patel is seeking to have you removed as
9 his counsel in this case?

10 MS. FRETER: My understanding, Judge, is
11 that we're in the same place that we've been
12 before, that he's unhappy with the choices that
13 I've presented to him but that he does not want a
14 continuance of his trial and that he understands if
15 he gets a new trial, the trial -- or new lawyer,
16 the trial will get pushed back, and so it's the
17 same couple of conversations we've had before.

18 THE COURT: All right. The Court has
19 appointed an attorney to assist Mr. Patel. The
20 Court has appointed the Chief Federal Public
21 Defender for the Southern District of Illinois.
22 She was selected by the district judges of Southern
23 Illinois after a thorough merit selection process,
24 and she was selected because of her demonstrated
25 ability as both a defense lawyer and as someone

1 with the Court the judges felt comfortable would do
2 the best job recruiting and mentoring and helping
3 other assistant federal public defenders that would
4 be in the office. I've seen nothing in this case
5 or any other case that suggests that there would be
6 reason to be concerned about the quality of the
7 representation of the defendant in this case. The
8 defendant -- defendant's counsel -- are you death
9 penalty certified?

10 MS. FRETER: Yes, I am. I'm learned
11 counsel.

12 THE COURT: And, in fact, you had a death
13 penalty case before me -- or a death penalty
14 eligible case before me, and she is also defense
15 counsel in RICO litigation and major conspiracy
16 cases.

17 And I have not filed any -- I have not
18 forwarded any response to this letter from the
19 Consulate General of India.

20 Has the Government done anything with
21 respect to this letter?

22 MR. REED: Judge, we have not sent a
23 response to the Consulate in regard to this letter.
24 We are consulting with our Office of IA, which is
25 the Office of International Affairs, to make sure

there is nothing we need to do.

THE COURT: Well, I will direct that a transcript of this part of the proceeding in which I've addressed this letter on the record be forwarded to Mr. Gautam, G-a-u-t-a-m, who is Head of Chancery and the Consul, Consulate General of India.

Any objection?

MR. REED: No objection, Judge.

MS. FRETER: No, Your Honor.

THE COURT: All right.

(End of excerpt.)

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CERTIFICATE OF COURT REPORTER

I, Erin M. Materkowski, hereby certify that the foregoing is a true and correct excerpt of the transcript from reported proceedings in the above-entitled matter.

/s/Erin M. Materkowski
ERIN M. MATERKOWSKI, RPR, CRR
Official Court Reporter
Southern District of Illinois
East St. Louis Division

Date: 1/15/2025